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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 8/19/08

JOHN CARFAGNO, derivatively on behalf of CENTERLINE HOLDING COMPANY,

08-cv-00912 (SAS) ECF Case

Plaintiff,

VS.

MARC D. SCHNITZER, ET AL.,

Defendants.

STIPULATION AND [PROPOSED] ORDER

X

Plaintiff John Carfagno and Defendants Stephen M. Ross, Marc D. Schnitzer, Leonard W. Cotton, Jeffrey T. Blau, Robert J. Dolan, Robert A. Meister, Nathan Gantcher, Jerome Y. Halperin, Robert L. Loverd, Janice Cook Roberts, Thomas W. White and Nominal Defendant, Centerline Holding Company (collectively "Defendants") hereby submit this proposed amended scheduling order, modifying the Court's scheduling order dated July 21, 2008, as follows:

- 1. Plaintiff filed his motion for class certification on July 31, 2008. Mr. Carfagno is unavailable for a deposition before August 29, 2008, the date that Defendants' opposition is to be submitted pursuant to the Court's scheduling order dated July 21, 2008. Mr. Carfagno is scheduled to be deposed on September 4, 2008.
- 2. By agreement of the parties, Defendants shall file their opposition, if any, to Plaintiff's motion by September 11, 2008, and Plaintiff shall file his reply, if any, by October 1, 2008.

- All other dates in the Court's scheduling order dated July 21, 2008 will remain the 3. same.
- This Scheduling Order may be altered or amended only on a showing of good 4. cause not foreseeable at the time of the conference or when justice so requires.

Dated: August 18, 2008 New York, NY

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SO ORDERED:

The Honorable Shira A. Scheindlin

U.S. District Judge